

UNITED STATES DISTRICT COURT

for the
Eastern District of Wisconsin

In the Matter of the Search of:

Facebook account: Facebook URL:
https://www.facebook.com/nashawn.harris
Friend Identification Number: 100000847937860,
described fully in Attachment A

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Case No. 18-825M(NJ)

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property:

Facebook account: Facebook URL: https://www.facebook.com/nashawn.harris
Friend Identification Number: 100000847937860,
described fully in Attachment A

located in the Eastern District of Wisconsin, there is now concealed:

See Attachment B.

The basis for the search under Fed. R. Crim P. 41(c) is:

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to violations of:

The application is based on these facts: See attached affidavit.

- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.


Applicant's signature

Shane Hitchler, Deputy U.S. Marshal
Printed Name and Title

Sworn to before me and signed in my presence:

Date: March 27, 2018


Judge's signature

City and State: Milwaukee, Wisconsin

Nancy Joseph, U.S. Magistrate Judge
Printed Name and Title

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

Shane Hitchler, being first duly sworn, states that:

1. I make this affidavit in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Facebook, Inc. to disclose to the government records and information associated with a certain Facebook account that is stored at premises owned, maintained, controlled, or operated by Facebook, Inc., a social networking company headquartered at 1601 Willow Road, Menlo Park, CA 94025. The account to be searched is described as:

Facebook URL: <https://www.facebook.com/nashawn.harris>
Friend Identification Number: 100000847937860

I. TRAINING AND EXPERIENCE

2. I am a Deputy United States Marshal with the U.S. Marshals Service. I have been employed as a Deputy United States Marshal for over 12 years. As part of my duties, I investigate violations of federal and state laws, including those relating to fugitives.

3. The information contained in this affidavit is based on my training and experience, as well as information provided to me by other law enforcement officers and citizens, all of whom I believe to be truthful and reliable. This affidavit is not an exhaustive account of everything I know about this case. Rather, it contains only the facts that I believe are necessary to establish probable cause to search the Facebook accounts, described above, used by Randy Johnson (hereinafter referred to as Johnson).

II. PROBABLE CAUSE

4. On February 12, 2015, Johnson was convicted of Felon in Possession of a Firearm in *United States v. Randy Johnson*, Case No. 14-CR-25. Johnson was sentenced to 46 months'

imprisonment. He was also sentenced to 3 years of supervised release.

5. On July 14, 2017, Johnson was released from the Federal Bureau of Prisons. Upon his release, Johnson was supervised by the United States Probation Office. Johnson was provided with a wearable location monitoring device as part of his supervision.

6. On October 25, 2017, Johnson removed his monitoring device and fled in violation of his supervised release. That same day, a warrant was issued for Johnson by the United States District Court out of Eastern Wisconsin for a violation of supervised release.

7. On February 15, 2018, members of the Great Lakes Regional Task Force attempted to locate and apprehend Johnson at his last known address, 4360 North 14th Street, Milwaukee, Wisconsin. This is the address of Johnson's longtime girlfriend, Starr Sanders. Sanders stated during interviews that she had not seen Johnson since he cut his ankle monitor off.

8. Case agents conducted an open search on Facebook.com, which revealed the following Facebook profile:

Facebook URL: <https://www.facebook.com/nashawn.harris>
Friend Identification Number: 100000847937860 (**target Facebook profile**)

9. Under the **target Facebook profile**, case agents observed numerous publicly posted photos. Case agents compared the photos from the **target Facebook profile** to Johnson's booking and probation photographs. Based on their training and experience, and the investigation to date, case agents determined that the individual in Johnson's booking and probation photographs is the same as the individual in photographs in the **target Facebook profile**.

10. Furthermore, various pictures posted of Johnson have comments. These comments call Johnson by his first name of “Randy.”

11. Additionally, case agents observed that the name associated with the **target Facebook profile** is “Nashawn Osama Farrakhan.” According to the National Crime Information Center (NCIC), “Nashawn” is a known alias of Johnson.

12. Based on my training and experience, and the investigation to date, case agents believe that Johnson is using the **target Facebook profile**. I further believe that individuals who use social media such as Facebook maintain relationships with family and friends through private messages along with posting and exchanging of pictures. Having access to view those messages and historical IP addresses often times provides crucial information that assists in locating fugitives.

III. CONCLUSION

13. Based on the foregoing, I believe that there is probable cause to believe that contained within the **target Facebook profile** there exists information as to the whereabouts of Randy Johnson, the subject of a federal arrest warrant.

14. I request that the Court issue the proposed search warrant. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A) & (c)(1)(A). Specifically, the Court is “a district court of the United States . . . that – has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i). Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant.

IV. TECHNICAL BACKGROUND

1. Facebook owns and operates a free-access social networking website of the same name that can be accessed at <http://www.facebook.com>. Facebook allows its users to establish

accounts with Facebook, and users can then use their accounts to share written news, photographs, videos, and other information with other Facebook users, and sometimes with the general public.

2. Facebook asks users to provide basic contact information to Facebook, either during the registration process or thereafter. This information may include the user's full name, birth date, contact e-mail addresses, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers. Facebook also assigns a user identification number to each account.
3. Facebook users can select different levels of privacy for the communications and information associated with their Facebook accounts. By adjusting these privacy settings, a Facebook user can make information available only to himself or herself, to particular Facebook users, to all Facebook users, or to anyone with access to the Internet, including people who are not Facebook users.
4. Facebook accounts also include other account settings that users can adjust to control, for example, the types of notifications they receive from Facebook. Facebook users may join one or more groups or networks to connect and interact with other users who are members of the same group or network. A Facebook user can also connect directly with individual Facebook users by sending each user a "Friend Request." If the recipient of a "Friend Request" accepts the request, then the two users will become "Friends" for purposes of Facebook and can exchange communications or view information about each other. Each Facebook user's account includes a list of that user's "Friends" and a "Mini-Feed," which highlights information about the user's "Friends," such as profile changes, upcoming events, and birthdays.
5. Facebook users can create profiles that include photographs, lists of personal interests, and other information. Facebook users can also post "status" updates about their whereabouts and actions, as well as links to videos, photographs, articles, and other items available elsewhere on the Internet. Facebook users can also post information about upcoming "events," such as social occasions, by listing the event's time, location, host, and guest list. A particular user's profile page also includes a "Wall," which is a space where the user and his or her "Friends" can post messages, attachments, and links that will typically be visible to anyone who can view the user's profile.
6. Facebook has a Photos application, where users can upload an unlimited number of albums and photos. Another feature of the Photos application is the ability to "tag" (i.e., label) other Facebook users in a photo or video. When a user is tagged in a photo or video, he or she receives a notification of the tag and a link to see the photo or video. For Facebook's purposes, a user's "Photoprint" includes all photos uploaded by that user that have not been deleted, as well as all photos uploaded by any user that have that user tagged in them.
7. Facebook users can exchange private messages on Facebook with other users. These messages, which are similar to e-mail messages, are sent to the recipient's "Inbox" on

Facebook, which also stores copies of messages sent by the recipient, as well as other information. Facebook users can also post comments on the Facebook profiles of other users or on their own profiles; such comments are typically associated with a specific posting or item on the profile.

8. Facebook Notes is a blogging feature available to Facebook users, and it enables users to write and post notes or personal web logs (“blogs”), or to import their blogs from other services, such as Xanga, LiveJournal, and Blogger.
9. The Facebook Gifts feature allows users to send virtual “gifts” to their friends that appear as icons on the recipient’s profile page. Gifts cost money to purchase, and a personalized message can be attached to each gift. Facebook users can also send each other “pokes,” which are free and simply result in a notification to the recipient that he or she has been “poked” by the sender.
10. Facebook also has a Marketplace feature, which allows users to post free classified ads. Users can post items for sale, housing, jobs, and other items on the Marketplace.
11. In addition to the applications described above, Facebook also provides its users with access to thousands of other applications on the Facebook platform. When a Facebook user accesses or uses one of these applications, an update about that the user’s access or use of that application may appear on the user’s profile page.
12. Facebook uses the term “Neoprint” to describe an expanded view of a given user profile. The “Neoprint” for a given user can include the following information from the user’s profile: profile contact information; Mini-Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends’ Facebook user identification numbers; groups and networks of which the user is a member, including the groups’ Facebook group identification numbers; future and past event postings; rejected “Friend” requests; comments; gifts; pokes; tags; and information about the user’s access and use of Facebook applications.
13. Facebook also retains Internet Protocol (“IP”) logs for a given user ID or IP address. These logs may contain information about the actions taken by the user ID or IP address on Facebook, including information about the type of action, the date and time of the action, and the user ID and IP address associated with the action. For example, if a user views a Facebook profile, that user’s IP log would reflect the fact that the user viewed the profile, and would show when and from what IP address the user did so.
14. Social networking providers like Facebook typically retain additional information about their users’ accounts, such as information about the length of service (including start date), the types of service utilized, and the means and source of any payments associated with the service (including any credit card or bank account number). In some cases, Facebook users may communicate directly with Facebook about issues relating to their account, such as technical problems, billing inquiries, or complaints from other users. Social networking providers like Facebook typically retain records about such

communications, including records of contacts between the user and the provider's support services, as well records of any actions taken by the provider or user as a result of the communications.

15. Therefore, the computers of Facebook are likely to contain all the material just described, including stored electronic communications and information concerning subscribers and their use of Facebook, such as account access information, transaction information, and account application.
16. I anticipate executing this warrant under the Electronic Communications Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by using the warrant to require Facebook, Inc. to disclose to the government copies of the records and other information (including the content of communications) particularly described in Attachment A under the following account:

Facebook URL: <https://www.facebook.com/nashawn.harris>
Friend Identification Number: 100000847937860

ATTACHMENT A

Property to Be Searched

This warrant applies to information associated with the Facebook URL: Facebook URL: <https://www.facebook.com/nashawn.harris>, Friend Identification Number: 100000847937860 that is stored at premises owned, maintained, controlled, or operated by Facebook Inc., a company headquartered in Menlo Park, California.

ATTACHMENT B

Particular Things to be Seized

I. Information to be disclosed by Facebook

To the extent that the information described in Attachment A is within the possession, custody, or control of Facebook Inc. ("Facebook"), including any messages, records, files, logs, or information that have been deleted but are still available to Facebook, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Facebook is required to disclose the following information to the government for each user ID listed in Attachment A for the time period of October 01, 2017 through the date of this search warrant:

- a. All contact and personal identifying information, including: full name, user identification number, birth date, gender, contact e-mail addresses, Facebook passwords, Facebook security questions and answers, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers
- b. All activity logs for the account and all other documents showing the user's posts and other Facebook activities;
- c. All photos and videos uploaded by that user ID and all photos and videos uploaded by any user that have that user tagged in them;
- d. All profile information; News Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends' Facebook user identification numbers; groups and networks of which the user is a member, including the groups' Facebook group identification

- numbers; future and past event postings; rejected “Friend” requests; comments; gifts; pokes; tags; and information about the user’s access and use of Facebook applications;
- e. All other records of communications and messages made or received by the user, including all private messages, chat history, video calling history, and pending “Friend” requests;
 - f. All “check ins” and other location information;
 - g. All IP logs, including all records of the IP addresses that logged into the account;
 - h. All records of the account’s usage of the “Like” feature, including all Facebook posts and all non-Facebook webpages and content that the user has “liked”;
 - i. All information about the Facebook pages that the account is or was a “fan” of;
 - j. All past and present lists of friends created by the account;
 - k. All records of Facebook searches performed by the account;
 - l. All information about the user’s access and use of Facebook Marketplace;
 - m. The types of service utilized by the user;
 - n. The length of service (including start date) and the means and source of any payments associated with the service (including any credit card or bank account number);
 - o. All privacy settings and other account settings, including privacy settings for individual Facebook posts and activities, and all records showing which Facebook users have been blocked by the account;

- p. All records pertaining to communications between Facebook and any person regarding the user or the user's Facebook account, including contacts with support services and records of actions taken.